

REMARKS

Claims 1-32 were reported in the Office Action as pending. Claims 23-32 have been withdrawn from consideration. Claims 1-22 are rejected. Claims 1, 3, 6 and 11 have been amended. Claim 5 is cancelled. Claims 1-4 and 6-22 remain.

Support for the amendment of claim 1 is found, at least, in previous claim 5, in insulating layer 3105 shown in FIG. 31, and in the detailed description at page 92, lines 22-27.

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. § 112 Rejection, Second Paragraph

Claim 3 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that claim 3 has been amended to overcome the rejection. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 3.

35 U.S.C. §102(b) Rejection - Koyama

The Examiner has rejected claims 1-6, 9-11, 20 and 22 under 35 U.S.C. §102(b) as allegedly being anticipated by Japanese Patent Publication No. 08-306806 to Koyama et al. (hereinafter "Koyama"). The Applicants respectfully submit that the present claims are allowable over Koyama.

Claim 1 recites:

*"A bistable resistance value acquisition device characterized by comprising at least:
a first metal oxide layer which is made of a metal oxide containing at least two metals, on a substrate, and has a predetermined thickness;
a first electrode which is on one surface of said first metal oxide layer;
a second electrode which is on another surface of said first metal oxide layer; and
an insulating layer which is in contact with at least one of the one surface and the other surface of the first metal oxide layer, wherein the insulating layer is between the first metal oxide layer and one of the first and second electrodes".*

As understood by Applicants, Koyama does not disclose these limitations. In particular, as understood by Applicants, Koyama does not disclose “*an insulating layer which is in contact with at least one of the one surface and the other surface of the first metal oxide layer, wherein the insulating layer is between the first metal oxide layer and one of the first and second electrodes*”, in combination with the other claim limitations.

Koyama discusses a semiconductor device and its manufacture. See e.g., the Title. As discussed in part in the Abstract, in a semiconductor element provided with a ferroelectric thin film 14, a gate electrode 13 formed in contact with the first surface of the ferroelectric thin film, and source/drain electrodes 16 which are spaced and formed in contact with the second surface 15 of the ferroelectric thin film, the second surface 15 of the ferroelectric thin film 14 is made semiconductive.

In rejecting claim 1 with Koyama, the Examiner appears to have relied upon the ferroelectric thin film 14 to reject the claimed first metal oxide layer, the gate electrode 13 to reject the claimed first electrode, and the source/drain electrodes 16 to reject the claimed second electrode. See e.g., the bottom of page 4 of the present Office Action.

However, FIG. 1 of Koyama clearly shows that only ferroelectric thin film 14 (including second surface 15 of the ferroelectric thin film 14) is between the gate electrode 13 and the source/drain electrodes 16. Accordingly, Koyama does not disclose or render obvious “*wherein the insulating layer is between the first metal oxide layer and one of the first and second electrodes*”.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference.

For at least one or more of these reasons, claim 1 is believed to be allowable over Koyama. Dependent claims 2-4 and 6-22 depend from claim 1, and are believed to be allowable therefor, as well as for the recitations set forth in each of these dependent claims.

35 U.S.C. §103(a) Rejection – Koyama

Claims 7-8 and 21 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koyama.

As discussed above, Koyama does not disclose or render obvious the limitations of independent claim 1. In particular, Koyama does not disclose or render obvious “*wherein the insulating layer is between the first metal oxide layer and one of the first and second electrodes*”. Accordingly, for at least this reason, independent claim 1 is believed to be allowable over Koyama. Claims 7-8 and 21 depend from independent claim 1, and include all of the limitations of independent claim 1. Accordingly, claims 7-8 and 21 are believed to be allowable therefor, as well as for the recitations set forth in each of these dependent claims.

35 U.S.C. §103(a) Rejection – Koyama and Kijima

Claims 12-19 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koyama in view of U.S. Patent No. 5,811,181 issued to Kijima et al. (hereinafter “Kijima”).

As discussed above, Koyama does not disclose the limitations of independent claim 1. As understood by Applicants, Kijima does not appear to remedy **all** of what is missing from Koyama. Furthermore, the Examiner does not appear to have relied upon Kijima as disclosing all of these missing limitations, or articulated where these missing limitations could or would be found in Kijima. Accordingly, without admitting that these references could or should be combined, the Applicants respectfully submit that the present claims are allowable over Koyama and Kijima.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Date:

3/23/09

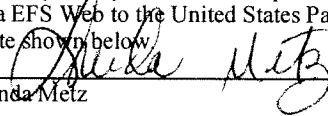
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